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March 18, 2005

***VIA ELECTRONIC FILING***

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc.  
236 Massachusetts Avenue, N.E., Suite 110  
Washington, D.C. 20002

***Ex Parte Memorandum***

Re: ***Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz, 2175-2180 MHz, 1.7 GHz, and 2.1 GHz Bands***  
WT Docket Nos. 02-353 and 04-356

Dear Ms. Dortch:

Ericsson Inc. (“Ericsson”) and Sony Ericsson Mobile Communications (USA) Inc. (“Sony Ericsson”) hereby submit these *ex parte* comments in response to issues raised in the Commission’s proceeding to develop service rules for an additional 20 MHz of spectrum for advanced wireless services (“AWS”).<sup>1</sup> Ericsson and Sony Ericsson applaud the Commission’s efforts to provide more spectrum for advanced wireless services. The 1915-1920 MHz and 1995-2000 MHz blocks addressed in this proceeding will not only allow service providers to extend their coverage areas into new markets and relieve crowding in some existing markets, but will also equip providers with crucial spectrum to offer consumers an array of new applications and services. Appropriate service rules are necessary, however, to ensure that the licensing and technical standards for this band actually facilitate deployment in a manner that makes economic sense and does not unduly limit licensee flexibility.

***Services Rules for the H-Block Should Be Technology-Neutral.***

First and foremost, the Commission should ensure that all service rules for this band are technology-neutral. Since service providers use different technology platforms to deliver advanced wireless services, the Commission should ensure that its rules do not favor one platform or technology over another. In this way, service providers should remain free to select from a variety of solutions that most appropriately support the services to be provided. Without

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<sup>1</sup> Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, *Notice of Proposed Rulemaking*, 19 FCC Rcd 19263 (2004) (“*NPRM*”).

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such a policy, the service rules may impose requirements that can only be satisfied by certain limited technologies. In this way, the Commission will allow the market to guide technology development, unimpeded by regulatory restrictions.

***The Commission Should Employ Time-Tested Industry Standards to Facilitate Spectrum Efficiency and Protect Against Interference.***

Ericsson and Sony Ericsson also support the Commission's adoption of current industry standards for out-of-band emissions ("OOBE") limits.<sup>2</sup> These OOBE limits have been and continue to be successful at preventing significant interference between GSM and CDMA devices in the PCS bands and should be applied to the so-called "H-block" band.<sup>3</sup> However, the limits suggested by some commenters go beyond industry standards for GSM models of -61 dBm/MHz and may not be necessary to prevent harmful interference between licensed services. Instead, Ericsson and Sony Ericsson agree with the various commenters that have requested that the Commission defer to the working industry standards for both CDMA and GSM.<sup>4</sup>

On the other hand, if the Commission finds that more restrictive OOBE levels are necessary, any such heightened restrictions should only apply to the blocks at issue in this proceeding, not to all bands that contain PCS services. Simply put, applying the more restrictive OOBE levels to all PCS handsets under the guise of consistency would actually be highly disruptive to both manufacturers and consumers. Ericsson and Sony Ericsson agree with commenters that argue such OOBE levels would raise costs and decrease battery life across manufacturers' entire product lines.<sup>5</sup> In addition, any OOBE levels that are more restrictive than necessary to prevent significant interference serve only to undermine the Commission's goals in encouraging users to bring spectrum to its most efficient uses.

***Conclusion***

Making the 1915-1920/1995-2000 MHz bands available for AWS and Broadband PCS use demands a careful balancing of the technical standards in order to adequately protect existing services against interference while still facilitating efficient spectrum use. Ericsson and Sony Ericsson urge the FCC to be cognizant of the adverse impact on deployed technologies if emission levels in excess of current industry standards are required in existing PCS bands. In addition, if the FCC adopts service rules in the H and J blocks that are too stringent, it will likely

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<sup>2</sup> See Reply Comments of Motorola, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, WT Docket Nos. 04-356, 02-353 (Filed Feb. 8, 2004) ("Motorola Comments").

<sup>3</sup> See NPRM ¶ 83. As the Commission recognized, "[b]roadband PCS, which occupies the spectrum adjacent to the 1915-1920 and 1995-2000 MHz bands, has enjoyed its great success through the ongoing, cooperative efforts of PCS licensees and equipment manufacturers." *Id.*

<sup>4</sup> See, e.g., Motorola Comments at 5-6.

<sup>5</sup> See, e.g., *id.*

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reduce the desirability of the bands because some industry interests would no longer find them useful.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

s/ Mark Racek

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Ericsson Inc

s/ Scott Bloebaum

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